

**IN THE DRAWINGS**

Please enter replacement sheets 1-3, attached.

## REMARKS

This Amendment is in response to the Office Action of April 6, 2006 wherein the Examiner rejected claims 1-20.

In the Office Action the Examiner first objected to the drawings. Applicants submit replacement drawings attached hereto.

The Examiner next rejected claims 1-20 under 35 USC § 102(b) as being anticipated by *Koppens* '362. *Koppens* '362 discloses a forming machine that attempts to create annular food patties (col. 1, lines 46-50). In this regard an annulus is formed between a center circular plate 16 and the outer circular mold plate hole or cavity 7. In order to hold the center circular plate 16 in place, a plurality of ribs 15 are used between the plate 16 and an annular connecting plate 13. The ribs 15 are less than a depth of the center circular plate 16 which is substantially the same depth as the cavity 7 (column 3, lines 9-12).

*Koppens* '362 does not disclose or suggest dividing a cavity with a solid portion having a cross shape (claims 1 and 11). There is no suggestion in *Koppens* '362 that a patty should have grooves in a top face thereof in order to divide the patty after forming. The ribs 15 in *Koppens* '362 do not comprise a cross shape. The ribs 15 never cross. The ribs 15 terminate at the center plate 16 and do not function in the same manner as the solid areas of the mold pattern of Applicants' invention. There is no suggestion in *Koppens* '362 that the ribs 15 are useful to create an indentation for breaking a patty as a portion control mechanism.

According to the preferred embodiment of Applicants' invention, the patty formed by the apparatus of claim 1 or the tooling of claim 11 includes a contoured top surface, having crossed divider grooves that allow the patty to be broken into four equal pieces as shown in Figure 4. The invention is particularly advantageous when it is desired to divide a single patty into pre-selected portions. One example of

this situation is the case of animal foods or medicines wherein a recommended, pre-selected portion might depend on the weight of the animal, wherein fractions of a patty could be broken off to administer to the animal. The annular patty of *Koppens* '362 does not suggest use as a portion control feed for an animal.

Applicants have canceled claims 5, 7, 8, 15, 17 and 18 without prejudice to file a continuation application these claims.

Applicants assert that the 102(b) rejection has been overcome as to claims 1-4, 6, 9-14, 16, 19 and 20 and request withdrawal of the rejection.

Applicants add new claims 21-25 that sets forth that the open spaces of the mold pattern form a plurality of circular sectors at least one of which has an included angle of less than 180 degrees. A circular sector has a pie-piece shape wherein the included angle or base angle would be at the center of the circle.

*Koppens* '362 does not disclose or suggest such circular sectors. The ribs 15 in *Koppens* '362 define annular portions. In contrast, the circular sectors of Applicants' invention allow for the forming of a compact patty that is divisible in plural portions after forming.

Applicants assert that all claims are now in condition for allowance.

Respectfully submitted

By: \_\_\_\_\_

  
Randall T. Erickson, Reg. No. 33,872

The Law Office of Randall T. Erickson, P.C.  
425 W. Wesley St., Suite 1  
Wheaton, IL 60187  
(630) 665-9404 phone  
(630) 665-9414 fax